

## “By Turf & Twig”

A 500 year old English ceremony used to transfer land was still in use in Musketa Cove – and much of the rest of colonial America – as recently as the late 17<sup>th</sup> Century.

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Many of the 17<sup>th</sup> Century deeds for land in Musketa Cove (and the rest of the Town of Oyster Bay) contain an odd reference to the property being transferred by “turf and twig.”

This was not merely a poetic metaphor describing the land that was being sold as consisting of soil (“turf”) and trees (“twig”). It refers to an actual ceremony dating back to medieval times used to convey land from one person to another under English common law.

The ceremony was called the “Livery of Seisen” (sometimes spelled Seizen regionally). The word “Livery” is related to our modern word “delivery” and “Seisen” roughly meant “to place in possession of.” It appears to date to the 12<sup>th</sup> Century.

In the form which the “Livery of Seisen” took locally, the seller and buyer of a piece of land would meet together on the parcel, bringing with them witnesses who could later attest to the transfer. The seller would ceremonially place a clump of earth and a twig into the hands of the buyer, then proclaim to all present that the property was now the buyer’s. In medieval England, where few people were literate and fewer still understood the proper legal language necessary to formulate a proper deed, the Livery of Seisen was functional mechanism for land transfers.

The custom was brought to North American by the early English settlers and continued until at least the late 17<sup>th</sup> Century.

The Oyster Bay Town Records contain an account of a transfer of property by Livery of Seisen in 1679, when Musketa Cove

Proprietor Nicholas Simkins transferred ownership of part of an island to Samuel Tillier. The ceremony was officially witnessed by Moses Mudge, who was then Deputy Constable for Musketa Cove. Mudge later deposed before the Town Clerk

that Nickolas Simkins desired him To goe with hime downe to his Iland, knowing nott whatt itt was ffor, But Comeing there By his request, and viewing tthe Island, he tould me tthatt I mustt ttake nottis tthatt he desired me tto Come downe tto Cee the delivery of this Land, whareupon he takes his knife and Cutts up A turffe and A twidge and delevers it tto Samuel ttiliar tto him and his hayres ffor Ever the owne halff of ye said Iland.

(For those not used to “reading colonial” it sometimes help to read the words aloud with an English accent. In an era before modern dictionaries standardized spellings, people tended to write words phonetically.)

Another echo of this ancient ceremony is the frequent use of the term “seized” in colonial deeds and wills... someone will describe the land they are selling as something which they are “lawfully seized and possessed of,” or that someone “died seized” of a piece of property.